IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Transmitted herewith for filing is the patent application of inventors:

Villela et al.

For: NAIL GUN DEPTH CONTROL SPACER

CERTIFICATE UNDER 37 C.F.R. 1.10(b)

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Signature Dorothy Sikelnik

Commissioner for Patents
Box Patent Application
Washington, DC 20231

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR 1.97 and 1.98

Dear Sir:

In accordance with the suggested procedure of 37 CFR 1.97 and 1.98, Applicants are submitting herewith copies of all of the prior art references identified on the enclosed list, which are considered to comprise the closest prior art of which the undersigned attorney, the inventors and anyone else believed to have been substantially involved in the preparation of this application are aware. Each of these references will be discussed below in a brief paragraph.

1. U.S. Patent No. 5,484,094, issued to Gupta on January 16, 1996, discloses a pneumatic nail gun the function/construction and the substrate associated with its use are completely different from those of the present invention. The nail gun of Gupta has a nosepiece, as any nail gun of the prior art, to drive a fastener through a workpiece into a substrate. The nosepiece is provided with permanent magnets 90 mounted on opposite sides of the nosepiece 14. The magnets are releasably holding washer 20 made of magnetized steel. The washer is not a depth control spacer claimed by applicants, and is not intended to limit the penetration of a pin or nail in to the substrate. Regarding the

substrate, the Gupta reference uses a metal lath 22 which is to be attached to concrete walls or concrete blocks. The reference also does not use a spacer having a semi-oval configuration comprising a pressure sensitive adhesive layer.

2. U.S. Patent No. 5,281,065, issued to Szu-Hsien Wu on January 25, 1994, discloses a leak-proof washer which is a component of a threaded shank of a fastener (nail) which is to be driven into a substrate. The reference is concerned with the fastener (nail) which is discharged from the nail gun. In the present invention the depth control spacer remains on the nail gun and is not discharged therefrom when a nail is inserted into the substrate.

3. U.S. Patent No. 5,452,944, issued to Bear on September 26, 1995, relates to adhering lug nuts to vehicle wheels, specifically to wheels of racing automobiles to facilitate rapid exchange of tires during an automobile race. The reference uses a self-adhesive layer in conjunction with a nut.

The use of pressure sensitive adhesives is present in many fields of the prior art and are well-known. Their uses, however, must be judged in the particular device or application . In the reference (column 2, line 30 and column 3, line 5) the self-adhesive layer is used in conjunction with any nut in a wheel used to adhere the nut in place about an opening in the mounting surface to facilitate the installation of a bolt or other compatible fastener (not mentioned or suggested). However, in the next paragraph of column 2, starting with line 36, it is stated that the object of the invention is to use a pressure sensitive material "with lug nuts for vehicle wheels". The improved seal therefore is related to a lug nut for vehicle wheels and for nothing else. There is no disclosure or hint for any other use of the pressure sensitive adhesives.

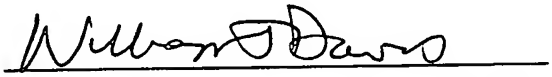
4. U.S. Patent No. 5,528,872, issued to M. J. Rotter on June 25, 1996, relates to a special nail which is not part of a nail gun or an attachment thereto.

It relates to a nail for fastening two sheets of material together and precisely spacing the two sheets a determined distance apart from each other. The two sheet materials are separated by a resilient material 22 of randomly aligned synthetic fibers. The object of the Rotter invention is to prevent the compressing or crushing the resilient material when the two sheets are nailed to an asphalt roof. Rotter accomplishes that object by providing a special nail which has a head at one end, a shaft extending from the head and terminating in a sharp point. The nail is equipped with a sleeve having a cylindrical center portion and a pair of frusto-conical tapered portions. The sleeve surrounds the shaft and has a length in excess of the resilient material and less than the length of the shaft.

None of the above references, or other references known to Applicants, disclose or suggest the present invention.

Respectfully submitted,

Date FEBRUARY 28, 2003



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(Use several sheets if necessary)	FILING DATE	GROUP

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
		5,484,094	01/16/96	Gupta, Harish C.	227	113	
		5,281,065	01/25/94	Wu, Szu-Hsien	411	258	
		5,452,944	09/26/95	Bear, Richard W.	301	35.624	
		5,528,872	06/25/96	M.J. Rotter	52	748.10	

LOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes	Translation No

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER	DATE CONSIDERED

·EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copyof this form with next communication to applicant.